

MEETING NOTES

NAME OF GROUP:

PLANNING COMMISSION

**DATE, TIME AND
PLACE OF MEETING:**

Wednesday, August 6, 2014, 2:00 p.m., Hearing
Room 113 on the first floor of the County-City Building,
555 S. 10th Street, Lincoln, Nebraska

**MEMBERS IN
ATTENDANCE:**

Cathy Beecham, Michael Cornelius, Tracy Corr,
Jeanelle Lust, Dennis Scheer, Lynn Sunderman and
Ken Weber, Maja Harris via Skype (Chris Hove absent).
Marvin Krout, Steve Henrichsen, Christy Eichorn, Paul
Barnes, Brian Will, Tom Cajka, and Amy Huffman of the
Planning Department; Jon Carlson of the Mayor's
Office, Mark Hunzeker of Baylor Evnen, and other
interested citizens.

**STATED PURPOSE
OF MEETING:**

Workshop on "Rezoning for Apartments"

Jeanelle Lust opened the meeting and explained that there will be no presentation from Marvin Krout or staff. This is meant to be a discussion regarding repeat issues that occur whenever there is an apartment development. The first topic is dead-end streets.

Sunderman stated the dead-end streets issue seemed to be brought up by the recent proposed Lincoln Housing Authority development on 84th Street near the water tower. He did not have issues with the dead-end street and felt emergency access was fine, but had concerns with traffic.

Beecham stated that she would love more knowledge about how the Commission looks at specific developments, and how they relate to one another. In the example Sunderman is referring to, the fact that there is another apartment complex nearby had a cumulative impact on how residents would get out.

Sunderman noted that staff talked about traffic the project would generate, and it was less than would be created by single family houses. It is not a matter of apartments across from apartments, it is apartments across from single family housing. Apartments themselves do not create more traffic.

Beecham stated that it is difficult to make a general rule. Each situation depends on that particular place.

Lust stated that apartment complexes don't need to fit in with traditional block length standards. One important issue is connectivity, which is not apartment specific. The Commission must ask if a good job is being done in making sure people can get out of the neighborhoods in which they live.

Marvin Krout stated apartments should be treated more like other residential lots by being incorporated into neighborhoods, rather than isolated from them.

Cornelius agreed. If reasons for denial were access and the amount of traffic ending up on the collectors, then more residential is ruled out. It is easy to think that greater density development has greater impact overall; that is a trap to avoid.

Weber stated his decision on the LHA project was not based specifically on the dead end street; it was based on the fact that it would have a lot of impact on those living on the corner. Another entrance and exit at the site would be better.

Scheer stated he has no objection to the dead-end streets rule. Applications should be viewed based on each of the criteria and as a whole. That project had the dead end street, a high-density complex, and the high-pressure gas line.

Corr agreed that there were several factors that elevated the risk. Connectivity was also an issue. There have been other applications where Commission has insisted on that.

Krout stated that some neighborhoods specifically ask for limited access.

Beecham would like to work with Public Works and discuss other creative traffic slowing methods, and other options that alleviate common concerns of neighbors.

Lust asked for staff questions and comments and then moved the discussion on to the second topic of discussion, myths of apartment impacts.

Sunderman noted that there is a general perception that apartments create bad situations. The apartment complex near his home has no impact.

Beecham believes apartments have an impact but it depends on many factors including where they are located. She reiterated that she would like more history and knowledge about conflicts and resolutions in order to make the best decision possible.

Krout stated that it was his intention to have a second session if there was enough interest.

Lust expressed gratitude for the studies compiled by Planning because they give important knowledge about what might realistically have an impact versus fears about things that do not pan out. Citizens often have the same concerns, such as property values and traffic. It is important to be able to see the real impacts. We need to be able to show that renters are not bad neighbors.

Cornelius added that once the apartment develops, it is uncommon to hear about the problems. The biggest factor for neighbors seems to be fear of change. There should still be concern with scale and architecture and context.

Weber stated when there is a townhouse development area with a lot of green space, and then years later the developer says they will add apartments, which is allowed in that zoning class, it doesn't require as much close inspection as changes of zone, which could create a fundamental change in the composition of the neighborhood.

Scheer stated that young professionals are typically renters and make great neighbors. Developers want to get the best return so they will build the highest end that they can build within the standards of the neighborhood. The Commission should use the tool of design standards in the decision making process.

Corr reiterated that good design is important because it can serve to alleviate many concerns of neighbors. Apartments can potentially have a negative effect. We don't know who will own it in fifty years and how they will treat it.

Beecham added that apartments can elevate a neighborhood or they can have negative impacts. They must be well designed and appropriately placed. It is important to avoid entering a situation with fixed ideas and to hear the concerns of the neighbors.

Scheer refers to the most recent Comprehensive Plan on matters of higher density housing. It can be a squeeze when the Plan asks for action that the community is not in line with.

Lust stated there are some cities that have neighborhood outreach where the development community and neighborhoods get together to discuss issues.

Krout added that in larger communities, it is not the Planning Commission or Planning Department who attempt to work things out for the community; there are outside advocates for all sides. Sometimes, the local Chamber of Commerce or the developers look at city growth and how to maintain adequate housing. If we turned everyone down because of neighborhood opposition, it would create problems in terms of not having jobs and adequate housing.

Beecham asked if Urban Development used to fulfill that role.

Krout replied that they played a broader role and they were brought in for issues of affordable housing.

Lust stated that it is a problem when there is a Comprehensive Plan, but then neighbors do not agree with it. It would be helpful if there were a way to bring together the stakeholders to do community outreach on topics like why the Comp Plan is good for Lincoln, saving tax dollars, and keeping youth in the City.

Krout agreed and stated the process is so complicated that neighbors who have difficulty understanding all of it hire lawyers. It creates a disconnect between a large number of citizens and some of these goals. Planning has tried all kinds of outreach, but it is hard to maintain. It becomes a concern for citizens when it hits their home and neighborhood.

Beecham stated there are places where teachers and police officers can't afford to live in their own city, and Lincoln does not want that to happen. At the same time, appropriate placement is important. Commissioners do not have to say 'yes' in every case.

Corr asked if there was a proper mix of multi-family to single-family dwellings.

Krout stated that it is important to make the process and outcomes more predictable for citizens. What does the Comprehensive Plan mean by 'appropriate placement'? Depending on where one looks, there might be different directions. Studies show, for example in mature neighborhoods, that to maintain a certain level of ownership, you must retain a balance. That may not be the same story in newer neighborhoods.

Corr stated she was looking at the City overall, not neighborhood by neighborhood.

Krout replied those are broad demographic trends that go beyond what is happening just in Lincoln. Expect to see more multifamily and less single, for various reasons. Factors like generational differences and financial trends affect home ownership and can create more renters.

Beecham added that could also relate to access and services like transportation.

Cornelius pointed out that it is important to avoid stirring together single and multifamily housing with owner/renter; there is overlap, but they are separate things. One revision discussed the use of absolute density instead of thresholds for single or multi-family units. He agreed that design standards could add increased predictability. He went on to question if it could be effective to have strict, lower density rules in different zoning districts, to allow more flexibility in making adjustments if presented with an outstanding CUP. It requires that neighbors and developers are trusting in that process.

Beecham stated that the Special Permit process is important because it is difficult to predict how a project will actually develop.

Krout asked if better design should be rewarded.

Cornelius replied that it should, particularly if it is a complete proposal that helps neighbors understand impacts.

Beecham agreed that perhaps in that way, the developer becomes a kind of advocate for the neighborhood and getting them to work together to find a solution that works.

Mark Hunzeker, Baylor Evnen, stated that multifamily dwellings should be a permitted use in all residential districts, without requiring a Special Permit in certain residential zones. Part of the problem is that past Comprehensive Plans encouraged higher densities to build up population around downtown, but parking, setback, design, and access requirements were light. When people discovered it was easier to build those complexes and allow for more parking and amenities, the market for the single lot projects went away. The more permissive the Commission is of more multifamily unit developments outside those developed areas, the better off it will be, and the better the projects will be. There may still be situations where the very last piece to be developed becomes a controversy. There is also not much to gain by having a great deal of government involvement in dictating what projects look like.

Sunderman likes the idea of design standards. If the developer and residents know exactly what is going to happen beforehand, it is good for everybody. However, there are too many variables to what is considered good design, and neighbors are still afraid of change.

Beecham believes design standards work. In the Near South neighborhood, for example, there were small properties that had inappropriate additions that were intended only to add density. New urbanism talks about how sidewalks and porches build communities. The Comprehensive Plan also talks about design and placement.

Lust stated that she has mixed feelings about design standards. Having strong standards helps developers go to the neighbors to alleviate fears via the requirement to fit in with the existing surroundings, but tastes and building standards change. The standards set the floor, not the ceiling; they are requirements to meet only minimum standards. Private development already has a lot of incentive because they want people to rent and their projects to be successful.

Cornelius stated that some issues such as blank building faces and exteriors placed right in the yard of the neighbors, were alleviated by design standards. The goal is to establish predictability and allow for the value of the neighborhood to increase.

Weber added that sometimes too large a project is trying to fit into too small an area.

Cornelius added that in some areas, covenants restrict what can be built, but until the development is built out, that predictability is an illusion.

Sunderman agreed.

Beecham stated that the opportunity for the neighbors to express themselves is important. She is not anti-density, but would like consideration of the balance of the neighborhood.

Weber left.

Scheer stated that the process works. Applications have been denied and appealed; that is all part of the process and the Commission is only one part of it. Well written design standards serve as the guidelines to finding good solutions. They do not guarantee good design.

Corr added that standards should allow for creativity.

Beecham stated that Council members read Commission minutes and carefully consider the discussions, so they are important.

Sunderman stated his skepticism of strict standards comes from the possibility that the bar could be raised so high that it becomes too difficult to follow in what is already a complicated and time consuming process.

Lust stated that following design standards should make it easier to get a project done.

Beecham reiterated that the public process is critical. If there are stricter design standards, it may make things easier in another area.

Cornelius stated that predictability does not take away people's rights to speak, but maybe it circumvents their need by alleviating their concerns in advance.

Lust asked about the role of the real estate community in informing citizens.

Krout stated there are many who do not know about zoning. Outreach has been done, but they get a different level of information depending on the size of the group.

Sunderman stated that it has been mentioned that developers and neighbors should get together and work as a team. That is not always a good idea. There have been applications where it could have been better if they never met. If the City did an outreach program, that is fine, but if developer contact is required, then so is regulation of that.

He stated it makes him uncomfortable that the Commission is asking if the developers have talked to the neighbors when that requirement is not in the rules.

Cornelius stated asking if a developer has met with neighbors is to ascertain whether any kind of consensus occurred. It is not the responsibility of the applicants to disseminate all information, but it is easier to come to a decision with that information. Neighbors would be well served getting their information from Planning, who is neutral.

Lust leaves 3:14

Beecham stated that educating neighbors can lead to an even better design and is better for business if they support the development. That does not mean the feelings of the neighborhood sway her vote, but she appreciates the good faith effort of the developers.

Scheer stated that building consensus is a positive part of the design process.

Corr agreed that a good developer is going to incorporate the input of various viewpoints, including those of neighbors.

Cornelius said that a big lesson he has learned is that the idea of predictability is fluid; zone changes occur almost every meeting. Even in built environments, things change.

Sunderman clarified that he is not against developers talking to neighbors, but he wonders if the Commission is going too far by bringing in a non-legal requirement into the process. In terms of predictability, the best thing to do is work with Planning and the real estate industry.

Marvin stated that Planning staff sometimes invites themselves to neighborhood meetings and even becomes facilitators. In very difficult cases though, a third party would become necessary. It can become difficult if there is failure to reach consensus, but there also are cases where a new solution is created.

Beecham stated that she asks questions to learn, and she reserves the right to ask what the reaction of the neighborhood is.

Sunderman added that the best place to get certain information is from the residents themselves. At times, the developer may not really hear what neighbors are saying.

Corr stated that she wants to hear both sides because somewhere in the middle is the reality. It is important to hear both sides.

Beecham said that these issues are confusing and some may not wish to speak publicly.

Cornelius moved to the last item regarding access out of neighborhoods.

Sunderman stated that he had brought this up during the first item.

Krout stated that in the Lincoln Housing Authority case, one area of discussion was the increase in connectivity via the creation of a pedestrian walkway. Some streets in that area are three lanes, which alleviates some traffic issues.

Beecham understands why Public Works does not conduct the traffic study until a certain threshold, but she would still be interested in discussing other traffic calming alternatives.

Krout said that there is a general perception that renters care less about their neighborhoods, so they drive faster and create other problems. Homeowners often say they want safer streets but then do not want street parking, even though that is a great safety measure.

Cornelius added that he relies heavily on what Public Works tells him because he understands that people's fears don't always match up with factual data about safety and traffic flow.

Scheer agreed, but pointed out that it isn't always the case that factual data accurately portrays what is actually happening on a street.

Krout added that sometimes we don't really know how bad traffic is and it is not always possible to send the developer or traffic engineers out every time it is a perceived issue. The goal is to move cars out to arterial streets because once you get out of the neighborhood, it is easy to get around quickly.

Jon Carlson, Mayor's Office, stated that the Mayor wished to convey his gratitude to the Commission and to staff, and to express appreciation for their diversity of experience and knowledge, which is critical to the development process and to the choices made by the City Council.

The briefing was adjourned at 3:44 p.m.